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**U.S. Citizenship
and Immigration
Services**

142

FILE:

Office: PHILADELPHIA DISTRICT OFFICE Date: DEC 23 2004

IN RE:

APPLICATION:

Application for Waiver of Grounds of Inadmissibility under Section 212(i) of the
Immigration and Nationality Act, 8 U.S.C. § 1182(i)

ON BEHALF OF APPLICANT:

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.



Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The waiver application was denied by the Interim District Director, Philadelphia. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The record reflects that the applicant is a native and citizen of Liberia, applying for temporary protected status (TPS) under § 244 of the Immigration and Nationality Act (INA, the Act), 8 U.S.C. § 1254. The applicant was found to be inadmissible to the United States pursuant to § 212(a)(6)(C)(i) of the Act, 8 U.S.C. § 1182(a)(6)(C)(i), for having willfully misrepresented material facts in an effort to procure a benefit under the Act.

The interim district director found that the applicant had failed to establish eligibility for a waiver of inadmissibility because the applicant failed to establish his true identity. The application was denied accordingly.

Counsel submitted a timely Form I-290B on October 20, 2003 and indicated that a brief and/or additional evidence would be submitted to the AAO within 30 days. On November 18, 2003, due to personal circumstances, counsel requested a 30-day extension of time in which to submit a brief and evidence. As of this date, however, the AAO has not received any additional evidence into the record. Therefore, the record is complete.

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. 8 C.F.R. § 103.3(a)(1)(v). On the Form I-290B, counsel fails to specify how the director made any erroneous conclusion of law or statement of fact in denying the petition. As neither the petitioner nor counsel presents additional evidence on appeal to overcome the decision of the director, the appeal will be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(1)(v).

The burden of proof in this proceeding rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. The petitioner has not sustained that burden.

ORDER: The appeal is dismissed.